

To: City Council March 27/~~201~~ 2017
Re: Short Term Rentals

Last Council meeting, the Mayor asked Cecilia Achiam, Director, Administration and Compliance if the short term B&B regulations allowed the whole of the house to be rented?

He has asked this question before and I have raised the question at every meeting and opportunity since January.

I reviewed the tapes of the March 13 council meeting at the 1:29 to 1:30 minutes... Ms. Achiam provides a wrong answer to the Mayor, yet again. She said the whole house can not be rented, yet the **residential rental accommodation** definition she has added to this Bylaw says this "means the accommodation of guests in all or a portion of a dwelling..."

This is contrary to the Zoning Bylaw 8500 for Residential Zones. Bed and Breakfasts are Secondary Uses. Allowing ALL of a dwelling for residential rental accommodation is against the Zoning Bylaw, and against the OCP.

submitted by
Lyn ter Borg

8. Residential Zones

8.1 Single Detached (RS1/A-H, J-K; RS2/A-H, J-K) [Bylaw 8672, Jan 24/11]

8.1.1 Purpose

The **zone** provides for **single detached housing** with a range of compatible **secondary uses**. **Subdivision** standards vary by sub-categories (A-H; J-K). The **zone** is divided into sub-zones: RS1 for traditional **single detached housing**; RS2 which provides for a **density bonus** that would be used for rezoning applications in order to help achieve the **City's** affordable housing objectives. [Bylaw 8672, Jan 24/11]

8.1.2 Permitted Uses

- housing, single detached

8.1.3 Secondary Uses

- boarding and lodging
- community care facility, minor
- home business
- secondary suite
- bed and breakfast

8.1.4 Permitted Density

1. The maximum density is one principal dwelling unit per lot.
2. For **single detached housing** zoned RS1/A-H, J-K [Bylaw 8672, Jan 24/11], the maximum **floor area ratio** is 0.55 applied to a maximum of 464.5 m² of the **lot area**, together with 0.30 applied to the balance of the **lot area** in excess of 464.5 m².
3. For **single detached housing** zoned RS2/A-H, J-K, the maximum **floor area ratio** is 0.40 applied to a maximum of 464.5 m² of the **lot area**, together with 0.30 applied to the balance of the **lot area** in excess of 464.5 m².
4. Notwithstanding Section 8.1.4.3, the reference to "0.4" is increased to a higher **density** of "0.55" if:
 - a) the building contains a secondary suite; or
 - b) the **owner**, at the time **Council** adopts a zoning amendment bylaw to include the **owner's lot** in the RS2/A-H, J-K **zone**, pays into the **affordable housing reserve** the sum specified in Section 5.15 of this bylaw.
5. Further to Section 8.1.4.4, the reference to "0.4" in Section 8.1.4.3 is increased to a higher **density** of "0.55" if:
 - a) an **owner** subdivides bare land to create new **lots** for **single detached housing**; and
 - b)
 - i) 100% of the **lots** contain **secondary suites**; or [Bylaw 9641, Jan 16/17]
 - ii) at least 50% of the **lots** contain a **secondary suite** and the **owner**, at the time **Council** adopts a zoning amendment bylaw to include the **owner's lot** in the RS2/A-H, J-K **zone**, pays into the **affordable housing reserve** the sum specified in Section 5.15 of this bylaw for the **floor area** permitted on any **lot** not containing a **secondary suite**; or [Bylaw 9641, Jan 16/17]



**Business Regulation Bylaw No. 7538,
Amendment Bylaw No. 9649**

The Council of the City of Richmond enacts as follows:

1. **Business Regulation Bylaw No. 7538**, as amended, is further amended by deleting Part 22 and replacing it with the following:

**"PART TWENTY-TWO: BED & BREAKFAST ESTABLISHMENT
REGULATIONS**

- 22.1. Without first obtaining a **licence for a bed and breakfast establishment**, persons must not provide guests with **residential rental accommodation** for rental periods of less than 30 days.
- 22.2 **Bed and Breakfast Establishments** shall be subject to the following regulations:
 - 22.2.1. the premises must be the **operator's principal residence**;
 - 22.2.2. the **operator** must be an **individual registered owner** of the premises or a **family member** of the **individual registered owner** of the premises;
 - 22.2.3. the **operator** must permit the **City's Licence Inspector** to inspect the operator's guest register maintained pursuant to the *Hotel Guest Registration Act* to determine whether the applicable zoning bylaw restrictions on the number of guests permitted in the premises are being complied with;
 - 22.2.4. the **operator** must prepare a fire evacuation plan showing the location of exits, fire extinguishers and smoke detectors, install and maintain the fire safety equipment, and post a copy of the fire evacuation plan in each bedroom used for guest accommodation; and
 - 22.2.5. the **operator** must not provide or install any equipment or facilities used for the preparation of food in any bedroom or sleeping unit used for guest accommodation."

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NEW
definition
page
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2. **Business Regulation Bylaw No. 7538**, as amended, is further amended at Part 23 by deleting Section 23.1 and replacing it with the following:

“23.1 Any **licencee, operator**, or any other person who:

- (a) violates or contravenes any provision of this bylaw, or who causes or allows any provision of this bylaw to be violated or contravened; or
- (b) fails to comply with any of the provisions of this bylaw; or
- (c) neglects or refrains from doing anything required under the provisions of this bylaw or the **Business Licence Bylaw**; or
- (d) fails to maintain the standard of qualification required for the issuing of a **licence**; or
- (e) makes any false or misleading statement,

commits an offence and upon conviction shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000.00), in addition to the costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.”.

3. **Business Regulation Bylaw No. 7538**, as amended, is further amended at Section 26.1 by:

- (a) adding the following as the definition of “**boarding and lodging**” in alphabetical order:

“**boarding and lodging** means **boarding and lodging** as defined in the City’s zoning bylaw.”;

- (b) adding the following as the definition of “**community care facility**” in alphabetical order:

“**community care facility** means a **community care facility** as defined in the City’s zoning bylaw.”;

- (c) adding the following as the definition of “**dormitory**” in alphabetical order:

“**dormitory** means a **dormitory** as defined in the City’s zoning bylaw.”;

- (d) adding the following as the definition of “**dwelling**” in alphabetical order:

“**dwelling** means a dwelling as defined in the City’s zoning bylaw.”;

- (e) adding the following as the definition of “**family member**” in alphabetical order:

“**family member** means a family member as defined in the City’s zoning

bylaw.”;

- (f) adding the following as the definition of “**individual registered owner**” in alphabetical order:

“**individual registered owner** means an individual registered owner as defined in the City’s zoning bylaw.”;

- (g) adding the following as the definition of “**principal residence**” in alphabetical order:

“**principal residence** means a principal residence as defined in the City’s zoning bylaw.”; and

- (h) adding the following as the definition of “**residential rental accommodation**” in alphabetical order:

“**residential rental accommodation** means the accommodation of guests in all or a portion of a dwelling, with or without food service, but excludes accommodation that is a boarding and lodging, community care facility, or dormitory.”;

“ALL”
??

4. This Bylaw is cited as “**Business Regulation Bylaw No. 7538, Amendment Bylaw No. 9649**”.

not permitted by zoning or OCP

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating Division
<i>[Signature]</i>
APPROVED for legality by Solicitor
<i>[Signature]</i>

MAYOR

CORPORATE OFFICER

Tourism Richmond & Chamber of Commerce
support regulation of short term rentals by:

Keep it simple, clear, and reasonable for compliance and enforcement.

Would like to see:

Definitions:

"OWNER OPERATOR"

"OWNER OCCUPIED DWELLING UNIT"

"LICENSED OWNER OPERATORS"

Need to see: requirement for
owner applicant
to be in
residence
during
BB operation

How do you deal with extended absences, for vacation homes for real owners, astronaut breadwinners ... who is really manning the rentals when the enforcement officer knocks on the door.

ADDITIONAL Recommendations:

1. Display signage showing city approved B&B
- 2 Solicitation and Advertising shall include permit #
3. Owner operator available by phone locally when not on site.



March 10, 2017

Mayor and Council
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1
Canada

Dear Mayor and Council,

RE: SHORT TERM ROOM RENTAL POLICY

Thank you for your thoughtful consideration and time spent on the discussions regarding the future of short term room rentals in Richmond. The emergence of the 'sharing economy' has forced policy makers at all levels of government, and organizations like ours, to evolve as the internet continues to transform our modern society. As the leading voices for tourism providers and businesses in Richmond, we have an interest in ensuring that any new policy frameworks for dealing with these new options for personal accommodations is in the best interests of our joint constituents.

In Richmond we are in the unique position of having a thriving accommodations sector that has for the past three years led the country in hotel occupancy rates. The demand for hotel rooms will remain undiminished in our view for the foreseeable future. What we are concerned with is the visitor experience and ensuring a level playing field for traditional operators and new 'sharing economy' providers. With the advent of services like Airbnb, VBRO, HomeAway, and FlipKey, which have become an integral part of global cities during the past decade, we now function in a new reality which seeks forward solutions regarding how we should adjust and co-exist with such services.

The 'sharing economy' is here to stay: *an economic system of decentralized networks and marketplaces that unlocks the value of underused assets by matching needs and haves, in ways that often bypass traditional providers.* We must collectively find policy solutions which are acceptable and fair to all stakeholders, and constituents. Both Tourism Richmond and the Richmond Chamber of Commerce are of the view that:

1. We need simple, streamlined bylaws that will prevent the increase of illegal short term rentals, rather than prohibit them.
2. That there should be a clear policy distinction between the following three issues:
 - a. Short term rentals
 - b. Inadequate rental stock
 - c. Proliferation of 'illegal hotels' in Richmond

1. Short Term Room Rental Policy

We believe that the issue of short term rentals can be managed with simple, balanced public policy directives. We are in favor of a policy framework that addresses the following issues:

- Ensure a level playing field for all accommodation providers, including balanced tax, health and safety standards
- Provide short term rental providers an expeditious and reasonable process for compliance, while maintaining standards for customers

In order to achieve these two objectives, we believe there are a number of existing policy solutions that have been applied in other jurisdictions, which are worthy of examination for Richmond:

- Short term rental exclusions:
 - ○ Excluding designated areas such as ALR land
 - Creating a short term rental free zone around existing hotels
- Imposing a reasonable limit to the number of separate room listings per host, and a reasonable limit to the number of guests allowed to stay per listing
- Creating a new 'Private Rental' permit category which ensures appropriate/transparent taxes are collected to maintain a level playing field for all accommodations stakeholders
- Online licensing application process for short term room rental hosts, potentially streamlined directly with online hosting providers. Licensed operators would be required to display an "Approved" notice on their listing

It must be stated that both Tourism Richmond and the Richmond Chamber of Commerce recognize that the provincial government plays an important role in enacting policies and regulations that govern 'sharing economy' operators. Both our respective organizations look forward to working with city staff to identify policy gaps and to advocate for necessary updates to current provincial legislation.

2. Corresponding Tangential Issues: Rental Stock Shortage and "Illegal Hotels"

We believe that in the formation of short term room rental policy, it is important to make a distinction between this issue and inadequate rental stock, as well as the proliferation of 'illegal hotels' in Richmond:

- The matter of **rental stock** for longer term housing is an issue that is consuming not only Richmond but our region as a whole. This serious problem requires collaboration from all levels of government. Our analysis of Airbnb data from Richmond does not suggest that home sharing is a significant local contributor to this problem. Of the 400 Airbnb listings currently in Richmond, the average stay is 3.6 nights, and the average annual income for Richmond hosts is \$5,900 per year. This suggest that Airbnb hosts are not favoring short

term rentals in lieu of long term arrangements and is not a driving factor in the current lack of rental stock in Richmond.

- In regards to **illegal hotels**, our opinion is that bylaws and steep fines are required to address this issue as these operations present serious health and safety issues and are not acceptable in residential neighborhoods. We believe that a restriction on the number of listings per short term rental provider, as well as restrictions on homes located on ALR land, could be a means of addressing "illegal hotels", accompanied with strict and enforced penalties.

In closing, Tourism Richmond and the Richmond Chamber of Commerce thank you for considering our suggestions and look forward to working with Council and staff to find a workable solution regarding short term rentals for our members and the community at large.

Sincerely,



Eda Koot
Chair, Board of Directors
Tourism Richmond



Rob Akimow
Chair, Board of Directors
Richmond Chamber of Commerce



Cc:

George Duncan, Chief Administrative Officer, City of Richmond
Cecilia Achiam, Director, Administration and Compliance, City of Richmond
Neonila Lilova, Economic Development Manager, City of Richmond
Carli Edwards, Chief Licence Inspector, City of Richmond
Linda Reid, MLA for Richmond-East
John Yap, MLA for Richmond-Steveston
Teresa Wat, MLA for Richmond-Centre

The Income Tax Act's definition for family unit and principal residence is for:

the owner, the owner's spouse or common-law partner, and children (under 18 years of age)

... if we are now proposing by this new proposed bylaw to extend the family members to include the owner's parents and possibly now the owner's adult children... Absurdly...WHY is there a need to extend family to include the owners grandparents and or the owners grandchildren?



Richmond Zoning Bylaw No. 8500
Amendment Bylaw No. 9647

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

- 1. Richmond Zoning Bylaw No. 8500, as amended, is further amended at Section 3.4:
 - a. by deleting and replacing the definition of **Agri-tourist accommodation** with the following:

“Agri-tourist accommodation means accommodation for an **agri-tourist operation** on a farm, limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or the short-term use of **bedrooms.**”

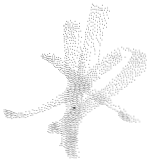
- b. by adding the following definition after the definition of **“exhibition & convention facilities”**:



“Family member means, with respect to a person:

- a) the person’s spouse;
- b) the person’s child;
- c) the person’s spouse’s child;
- d) the person’s parent, or the person’s spouse’s parent;
- e) the person’s grandparent, or the person’s spouse’s grandparent; or
- f) the person’s grandchild, or the person’s spouse’s grandchild.”;

- c. by adding the following definition after the definition of **“hutch”**:



“Individual registered owner means with respect to land, any individual person who is:

- a) the registered owner of an estate in fee simple; or
- b) the tenant for life under a registered life estate.”.

d. by adding the following definition after the definition of “open space”:

“**Operator** means the person who operates the **bed and breakfast**.”; and

e. by adding the following definition after the definition of “premises”:

“**Principal residence** means a **dwelling** in which an **operator** ordinarily resides. A person can only have one **principal residence**.”.

2. Richmond Zoning Bylaw No. 8500, as amended, is further amended at Section 5.5:

a. by deleting subsection 5.5.2 and replacing it with the following:

“5.5.2. A **bed and breakfast use** is not permitted in a **single detached housing dwelling unit** or on a lot that contains a **secondary suite, a granny flat, or a coach house, or a boarding and lodging, minor community care facility, agri-tourist accommodation, or child care home business use**.”;

b. by deleting subsection 5.5.3 and replacing it with the following:

“5.5.3. A **bed and breakfast use** is permitted only in a **single detached housing dwelling unit** that is the **principal residence** of the **operator**, where the **operator** is an individual and not a corporation.

5.5.3A. A **bed and breakfast use** is permitted only in a **single detached housing dwelling unit** where the **operator** is the **individual registered owner** of the **dwelling** or the **individual registered owner’s family member**.”; and

c. by inserting the following as a new subsection 5.5.5A. following 5.5.5.:

“5.5.5A. **Bed and breakfast use** of a **single detached housing dwelling unit** is limited to accommodation of a maximum of 6 **guests** at one time.”.

3. Richmond Zoning Bylaw No. 8500, as amended, is further amended by adding the following after Section 5.19 as new Section 5.20:

“**5.20 Short Term Rental of Dwelling Units**

5.20.1 No person shall use or permit to be used any **dwelling unit**, or portion thereof, for accommodation for a period of less than thirty (30) days unless such **dwelling unit** forms part of a **hotel** or a **motel**, or is used for **boarding and lodging, agri-tourist accommodation, community care facility, dormitory, or bed and breakfast use** in compliance with all applicable bylaws.”

4. Richmond Zoning Bylaw No. 8500, as amended, is further amended:

a. at section 14.1.3 by deleting “**agri-tourist accommodation**”;

- b. at section 14.1.11.4 by deleting section 14.1.11.4 and replacing it with the following:
 - “4. *Intentionally deleted.*”; and
 - c. at section 15.11.11.1 by deleting section 15.11.11.1 and replacing it with the following:
 - “1. *Intentionally deleted.*”
5. This Bylaw is cited as “**Richmond Zoning Bylaw No. 8500, Amendment Bylaw No. 9647**”.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER



** OCP
amendment
proposed
Requires
more
consultation than
Newspaper Ads for
a public
hearing*



3.2 Neighbourhood Character and Sense of Place

OVERVIEW:

Some say that communities happen on foot, so enhancing the character and accessibility of neighbourhoods is important.

OBJECTIVE 1:

Continue to protect single family neighbourhoods outside the City Centre.

POLICIES:

Single Family Land Uses

- promote single family uses within residential quarter sections;
- explore incentives and other mechanisms to encourage the retention of existing housing stock in established single family neighbourhoods (e.g., secondary suites);

Neighbourliness and Character Retention

- recognize that the physical elements of neighbourhoods such as housing styles, existing building setbacks, exterior finishes, building height and massing, existing trees and landscaping, attractive and appealing streets, street trees are just some of the factors that create the character of established single family neighbourhoods;
- work to ensure that new single family housing complements established single-family neighbourhoods using zoning or other appropriate regulations;
- continue to implement the Single Family Lot Size Policies to ensure that changes to the physical character of single family neighbourhoods occurs in a fair, complementary manner with community consultation;
- actively explore alternatives to Land Use Contracts (LUCs) (e.g., seek Provincial legislative changes, replace LUC with appropriate zones, apply development permit guidelines) to achieve better land use management over time;



- to encourage single family housing compatibility when requested by neighbourhoods, consider amending policies and bylaws (e.g., zoning), for example, to modify yard and building height requirements.

Densification in Residential Areas

- carefully manage coach houses and granny flats in residential areas as approved by Council (e.g., Edgemere; Burkeville; along arterial roads);
- coach houses and granny flats are not anticipated to be allowed in other areas except in Neighbourhood Centres. If such requests are made from owners and other neighbourhoods, they may be considered on a case by case rezoning basis;
- limit arterial road town houses to along certain arterial roads;
- carefully manage the densification of shopping centres outside the City Centre.

OBJECTIVE 2:

Enhance neighbourhood character and sense of place by considering community values.

POLICIES:

- a) when enhancing neighbourhoods, consider the following community values, for example:
 - sustainability objectives;
 - the compatibility of new housing types;
 - local employment opportunities;
 - traffic impacts and improving transit, walking, bicycling and rolling opportunities;
 - existing and future infrastructure;
 - the provision of community amenities;
 - other as necessary;
- b) encourage local commercial uses such as corner grocery stores, and new commercial and mixed uses where appropriate;
- c) applications to re-designate from "Community Institutional" to other OCP designations and to rezone Assembly zoned land for the purpose of redevelopment will be considered on a case by case basis:
 - without the need to retain assembly uses;
 - subject to typical development requirements (e.g., access; parking; layout; tree preservation; child care; public art; Affordable Housing Strategy requirements; servicing upgrades; etc.).

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Sunday, March 26, 2017

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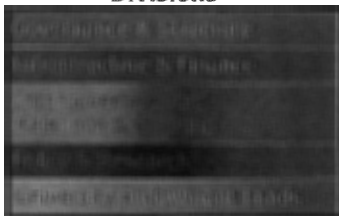
Using the Local Government Act

BULLETIN

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Date: October 2000

Bulletin No.: G.2.1.0

OCP Process and Consultation

Rationale:

The new *Local Government Act* provisions regarding the official community plan (OCP) development and adoption process and consultation during the preparation of an OCP reflect the principles established in 1997 to guide the *Municipal Act* Reform process. In particular, these changes provide:

- local government **accountability** for enabling citizen input on issues of concern to them during the development of an OCP or OCP amendment;
- improved **inter-local government relationships** on planning and land use management issues; and,
- **appropriate provincial government involvement** in the development and amendment of OCPs in instances where the provincial government has a clear responsibility or interest.

These legislative amendments, which will come into force January 1, 2001, establish requirements for consultation with citizens and public authorities during the development of an OCP, streamline the adoption procedures for OCP bylaws and authorize the chair of a public hearing considering an OCP bylaw to establish procedural rules.

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New Provisions:

- Section 879 requires local governments to provide one or more opportunities for consultation with persons, organizations and authorities it considers will be affected when developing, amending or repealing an OCP. The local government must determine if this consultation should be early and on-going, and, specifically, if consultation is required with adjacent jurisdictions, First Nations, school districts, improvement districts, greater boards (ie. water districts) and the provincial and federal governments and agencies. This consultation is additional to the legislative requirement for a public hearing.

- Section 882 is amended to set out new, more streamlined, adoption procedures for both municipal and regional district OCP bylaws. The following changes are particularly noteworthy:
 - The required majority for each reading of a regional district OCP has been clarified in subsection (2) -- each reading must receive the affirmative vote of a majority of all directors entitled under section 791 to vote on the bylaw.
 - A number of specific requirements for referrals of a proposed OCP bylaw to other local government jurisdictions have been removed because these are no longer necessary given the new consultation requirement noted above.
 - The requirement that an OCP for an area that includes land in the Agricultural Land Reserve be referred to the Land Reserve Commission is continued. However, the Minister may make regulations defining areas and circumstances in which this referral is not required, and providing terms and conditions for this exception. This is in keeping with the Minister's authority to define areas and circumstances in which approval of a regional district OCP bylaw is not required. For further information on the reduction of provincial approvals in other areas, see Bulletin Number G.1.0.0 (Planning and Land Use Management: New Directions).
 - The requirement to consider an OCP after first reading, in conjunction with its financial plan or capital expenditure plan and any applicable waste management plan, is continued but this is now supplemented by a new provision (sub-section 5) enabling a local government to consider a proposed OCP in conjunction with any other land use planning and any social, economic, environmental or other community planning and policies.

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Related Provisions:

- Sections 875 to 877 describe the purpose of OCP, provide authority to include in an OCP any statements and material considered appropriate and require consideration of applicable provincial policy guidelines (see Bulletin Numbers G.2.0.0 (OCP Purpose and Content) and G.2.2.0 (OCP Provincial Policy Guidelines)).
- Division 4 of Part 24 requires public hearings for some OCPs and sets out the procedural requirements in relation to these (see Bulletin Number G.4.0.0 - Public Hearing Procedures).

Practical considerations:

- The new requirements for consultation with citizens and public authorities suggest a new way of "doing business" for local government when developing or amending an OCP. The new provisions recognize that local governments generally use other mechanisms besides the required public hearing to seek input from the public and other jurisdictions. The new legislation emphasizes the value of a local government seeking input from other authorities at an early stage in the planning process, as opposed to receiving comments in response to a referral after

first reading, when the OCP has already been drafted.

- The intent of the new consultation requirement is that input will be obtained from those that will be affected by an OCP early in its development, in order that any concerns can be more easily addressed. The requirement allows each local government to develop its own approach to consultation. Local governments can vary the type and number of consultations and even decide who should be consulted with, so long as they ensure that consultation opportunities are provided for those they consider will be affected.
- However, it is now mandatory that local governments specifically consider possible pre-public hearing consultation with certain specified parties (eg., First Nations, adjacent local governments) when developing an OCP and that they consider whether consultation should be early and ongoing. When making choices about consultation, councils and boards may wish to take a number of factors into consideration, including:
 - Is the bylaw under development a new OCP, or is making minor or major amendments or repealing an existing OCP? Consideration of the potential impact may well drive out a different consultation need or strategy for actions that affect large numbers of people or diverse interests than for actions that affect only a small segment of the community).
 - What parties can reasonably be considered to be affected by the OCP? Local governments may want to think in terms of the statutory requirement to specifically consider certain organizations as a starting point for decisions about who will be affected rather than an exhaustive listing of who will be affected. For example, "citizens" or "residents" are not listed as a mandatory group to consider, but would be affected by virtually all OCPs, and so consultation opportunities should be developed. Consideration might also be given to establishing protocols with adjacent jurisdictions or other government bodies to help to clarify when those governments are affected by an OCP, and the level of consultation required in different circumstances.
 - How effective will various forms of consultation be? Effective consultation at this stage can not only lead to a smoother public hearing process, but should also result in better OCPs. This will be particularly true if the consultation is early enough in the process that issues raised during the consultation can be adequately reviewed and if the consultations are frequent enough that the results of these reviews can become part of future consultation opportunities.
 - How transparent are the consultation decisions? Since these new consultation provisions impose a number of statutory requirements on councils and boards (eg., must provide consultation opportunities; must consider whether opportunities should be early and on-going; must specifically consider consultations with specified groups) and since the adequate fulfilment of these requirements could become the subject of a court challenge, local governments may want to take particular care to ensure that their decision-making process with respect to this consultation is transparent. So, for example, all staff reports on consultation should be well



documented and the report should advise council or the board of whether to and whom to consult. To ensure that evidence of "consideration" can be shown in court proceedings, the council or board minutes should list the decisions regarding each of the mandatory considerations.

- In developing effective consultation, local governments may want to prepare a comprehensive consultation policy that addresses such things as: fairness and equity, how to define consultation in different circumstances, who must and who should be consulted, how different interests want to be involved, and how the results of consultation will be considered.
- In order to provide further guidance to local governments, the Minister of Municipal Affairs will establish a provincial policy guideline on consultation for consideration of local governments developing an OCP in 2001.
- In order to more successfully integrate various planning initiatives, local governments may want to assess what other planning and policies within their own jurisdiction, or other affected jurisdictions, might usefully be considered during the development or amendment of an OCP.

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Transitional provisions:

- A transitional regulation will clarify that where a local government has held a public hearing for any OCP bylaw amendments, repeals or a new OCP, but not adopted the bylaw prior to January 1, 2001, the additional consultation under section 879 will not be required.

For all other new bylaws and amendments or repeals to existing bylaws, **any new procedural requirements must be followed as soon as the applicable provision is brought into force.** For example, after January 1, 2001, any OCP bylaw amendments or repeals, or development of new OCP bylaws will require local government consultation with persons, organizations and authorities the council or board consider will be affected. Because these requirements place an obligation on councils/boards to undertake consultation in addition to the public hearing, local governments will want to be particularly careful with bylaws in process, to ensure that if the bylaw has not gone to public hearing by January 1, 2001, the local government has complied with the new consultation requirements.

Local Government Act References:

Primary Sections: Section 879, 882

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